

TFW 2154

Attorney Docket No.: 3660P019DC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Marc Alaia, et al.

Application No.: 09/832,437

Filed: April 11, 2001

For: METHOD AND SYSTEM FOR
CONTROLLING AN ELECTRONIC
AUCTION DURING THE TRANSITION
TO A CLOSED STATE

Examiner:

Art Unit: 2154

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450

on February 8, 2006
Date of Deposit
Christopher P. Marshall
Name of Person Mailing Correspondence
CP Marshall 2/8/2006
Signature Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CHANGE OF CORRESPONDENCE ADDRESS,
POWER OF ATTORNEY, AND REVOCATION OF PREVIOUS POWERS

Please direct all future correspondence regarding the above-referenced patent application to Lester J. Vincent, Reg. No. 31,460, Blakely, Sokoloff, Taylor, & Zafman LLP, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025, and direct all telephone calls to the same at (408) 720-8300.

Ariba, Inc.

(Name of Assignee)

("assignee"), a company organized under the laws of Delaware, having a place of business at 807 11th Avenue, Sunnyvale, CA 94089, USA

(Address)

hereby states that to the best of assignee's knowledge and belief it is the assignee of the entire right, title, and interest in and to the above-referenced patent and represents that the undersigned is a representative authorized and empowered to sign on behalf of the assignee. Upon information and belief, the following assignment documents evidence the placement of title in the assignee:

- (1) an assignment recorded at reel 9945 and frame 0263 at the U.S. Patent and Trademark Office; and

- (2) a Certificate of Amendment changing the name of FreeMarkets Online, Inc. to Freemarkets, Inc. dated September 1, 1999 (a photocopy of which is attached hereto), a photocopy of which was mailed to the U.S. Patent and Trademark Office on January 20, 2006; and
- (3) an Agreement of Merger dated July 2, 2004 (a photocopy of which is attached hereto), a photocopy of which was mailed to the U.S. Patent and Trademark Office on January 20, 2006.

Pursuant to 37 C.F.R. §§ 1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and appoints the practitioners associated with **Customer Number 08791** as the assignee's respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Assignee of Interest: Ariba, Inc.
(Type or Print)


Dated: 1/24/06 By: [Signature]
Name: Landon Edmond
(Type or Print)

Title: Senior Counsel
(Type or Print)

Address of Assignee of Interest:
807 11th Avenue
Sunnyvale, CA 94089, USA

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: February 8, 2006 By 

Name: Lester J. Vincent
(Type)

Reg. No.: 31,460

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(408) 720-8300



Recordation Form Cover Sheet
PATENTS ONLY

Attorney Docket No.: 3660P019DC

To the Director of the United States Patent and Trademark Office. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Freemarkets Online, Inc.
(a Delaware Corporation)

Additional name(s) of conveying party(ies) attached?

☒ No ☐ Yes

2. Name and address of receiving party(ies):

Name: **Freemarkets, Inc.**

(a Delaware Corporation)

Internal Address: _____

3. Nature of Conveyance

☐ Assignment

☐ Merger

☐ Security Agreement

☒ Change of Name

☐ Other:

Street Address: **One Oliver Plaza**

210 Sixth Avenue

City: **Pittsburgh** State/Province: **Pennsylvania** Zip: **15222**

Country: **U.S.A.**

Execution Date(s): **09.01.1999**

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s): **09/832,437**

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Lester J. Vincent, Reg. No. 31,460

Name: **Blakely, Sokoloff, Taylor & Zafman LLP**

Internal Address: _____

Street Address: **12400 Wilshire Boulevard, 7th Floor**

Los Angeles, California 90025

6. Total number of applications and patents involved: **1**

7. Total Fee (37 CFR 3.41).....\$ **40.00**

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit Account Number:

02-2666

(Attach duplicate copy of this page if paying by deposit account)


DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Lester J. Vincent, Reg. No. 31,460

Name of Person Signing


Signature

January 20, 2006

Date

Total number of pages including cover sheet, attachments, and documents: **3**

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services

Director of the United States Patent and Trademark Office

P.O. Box 1450

Alexandria, Virginia 22313-1450

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "FREEMARKETS ONLINE, INC.", CHANGING ITS NAME FROM "FREEMARKETS ONLINE, INC." TO "FREEMARKETS, INC.", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF AUGUST, A.D. 1999, AT 4:30 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2488596 8100

991364021

A handwritten signature in cursive script, reading "Edward J. Freel", is written over a horizontal line.

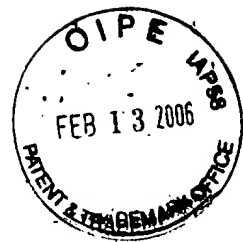
Edward J. Freel, Secretary of State

AUTHENTICATION:

DATE:

9949383

09-01-99



**CERTIFICATE OF AMENDMENT
TO
AMENDED AND RESTATED CERTIFICATE OF INCORPORATION, AS AMENDED
OF
FREEMARKETS ONLINE, INC.**

Pursuant to Section 242 of the Delaware
General Corporation Law

FreeMarkets OnLine, Inc., a Delaware corporation (the "Corporation"), hereby certifies as follows:

FIRST: The Certificate of Incorporation of the Corporation was filed in the Office of the Secretary of State of Delaware on March 13, 1995, and a certified copy was recorded in the Office of the Recorder of New Castle County, Delaware. The Certificate of Incorporation was amended on March 22, 1995, was amended and restated on March 29, 1996, was amended on February 26, 1998, and was further amended on June 30, 1999 (as so amended, the "Certificate of Incorporation").

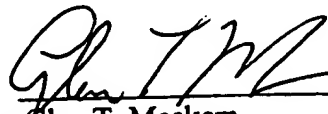
SECOND: The Certificate of Incorporation is hereby further amended by deleting Paragraph I thereof in its entirety and inserting in its place the following new Paragraph I:

"I. NAME: The name of the Corporation is FreeMarkets, Inc."

THIRD: This amendment to the Certificate of Incorporation was duly adopted by the unanimous written consent of the Board of Directors and by the written consent of a majority of the outstanding shares of all classes of stock of the Corporation voting together as one class in accordance with Sections 141(f), 228 and 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the Corporation has caused this Certificate of Amendment to its Amended and Restated Certificate of Incorporation, As Amended, to be executed by its President this 26th day of August, 1999.

FREEMARKETS ONLINE, INC.

By: 
Name: Glen T. Meakem
Title: President



Recordation Form Cover Sheet
PATENTS ONLY

Attorney Docket No.: 3660P019DC

To the Director of the United States Patent and Trademark Office. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Freemarkets, Inc.
(a Delaware Corporation)

Additional name(s) of conveying party(ies) attached?

☒ No ☐ Yes

2. Name and address of receiving party(ies):

Name: **Ariba, Inc.**

(a Delaware Corporation)

Internal Address: _____

3. Nature of Conveyance

☐ Assignment

☒ Merger

☐ Security Agreement

☐ Change of Name

☐ Other:

Street Address: **807 11th Avenue,**

Building 3, 2nd Floor

City: **Sunnyvale** State/Province: **California** Zip: **94089**

Country: **U.S.A.**

Execution Date(s): **07.02.2004**

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s): **09/832,437**

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Lester J. Vincent, Reg. No. 31,460

Name: **Blakely, Sokoloff, Taylor & Zafman LLP**

Internal Address: _____

Street Address: **12400 Wilshire Boulevard, 7th Floor**
Los Angeles, California 90025

6. Total number of applications and patents involved: **1**

7. Total Fee (37 CFR 3.41).....\$ **40.00**

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit Account Number:

02-2666

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Lester J. Vincent, Reg. No. 31,460

Name of Person Signing

 Signature

January 20, 2006 Date

Total number of pages including cover sheet, attachments, and documents: **5**

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services

Director of the United States Patent and Trademark Office

P.O. Box 1450

Alexandria, Virginia 22313-1450



Delaware

PAGE 1

The First State

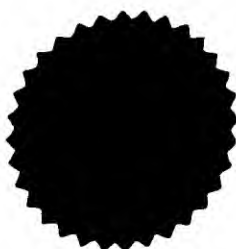
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"FREEMARKETS, INC.", A DELAWARE CORPORATION,
WITH AND INTO "ARIBA, INC." UNDER THE NAME OF "ARIBA, INC.",
A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SECOND DAY OF JULY, A.D. 2004, AT 5:32 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE AND KENT COUNTY RECORDER OF DEEDS.

2663662 8100M

040492667



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3213201

DATE: 07-02-04



State of Delaware
Secretary of State
Division of Corporations
Delivered 05:32 PM 07/02/2004
FILED 05:32 PM 07/02/2004
SRV 040492667 - 2663662 FILE

CERTIFICATE OF MERGER

OF

FREEMARKETS, INC.

WITH AND INTO

ARIBA, INC.

PURSUANT TO SECTION 251(c) OF THE GENERAL CORPORATION LAW OF THE STATE OF DELAWARE

Ariba, Inc., a corporation duly organized and existing under and by virtue of the General Corporation Law of the State of Delaware ("Ariba"), does hereby certify:

FIRST: That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

Name	State of Incorporation
Ariba, Inc.	Delaware
FreeMarkets, Inc.	Delaware

SECOND: That the Agreement and Plan of Merger and Reorganization (the "Merger Agreement") dated as of January 23, 2004, by and among Ariba, Fleet Merger Corporation, a Delaware corporation and wholly owned subsidiary of Ariba ("Merger Sub") and FreeMarkets, Inc., a Delaware corporation ("FreeMarkets"), setting forth the terms and conditions for the merger of FreeMarkets with and into Ariba (the "Merger"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of subsection (c) of Section 251 of the General Corporation Law of the State of Delaware.

THIRD: That the name of the surviving Delaware corporation (the "Surviving Corporation") of the Merger shall be Ariba, Inc.

FOURTH: That the Certificate of Incorporation of Ariba as in effect immediately prior to the Merger shall be the Certificate of Incorporation of the Surviving Corporation

FIFTH: That the executed Merger Agreement is on file at the principal place of business of the Surviving Corporation located at 807 11th Avenue, Sunnyvale, California 94089.

SIXTH: That a copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation

IN WITNESS WHEREOF, Ariba, Inc. has caused this Certificate of Merger to be executed in its corporate name on the 2nd day of July, 2004.

ARIBA, INC.

By: /s/ James W. Frankola
James W. Frankola
Executive Vice President and Chief
Financial Officer